THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 5553 of 2004

Dated: 19-10-2005

Between:

G.Subbi Reddy

..... PETITIONER

AND

The Deputy Registrar of Cooperative Societies,

Kadapa, Kadapa District.

.....RESPONDENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 5553 of 2004

O R D E R:

This writ petition is filed questioning the order passed by the respondent dated 08-09-2003 under Section 60(1) of A.P. Cooperative Societies Act, 1964 (for short 'the Act') thereby directing recovery of a sum of Rs.22,200/- with interest at the rate of 18% per annum from the petitioner.

It is not in dispute that before passing the said order, a show cause notice was issued to the petitioner on 24-04-2002. However, it appears that the petitioner failed to submit his explanation and consequently having construed that there was no explanation from the petitioner, the impugned order was passed.

The primary contention raised by the learned counsel for the petitioner is that since admittedly a sum of Rs.22,200/- was alleged to be irregularly paid towards clerk salary, the same cannot be said to be misappropriated warranting initiation of proceedings of surcharge under Section 60 of the Act.

Since admittedly, the petitioner could not submit his explanation and the impugned order was passed without considering the version of the petitioner, I am not inclined to express any opinion with regard to the contention raised by the petitioner, instead, I deem it appropriate to grant liberty to the petitioner to submit his explanation to the show cause notice dated 24-04-2002, in which event, the respondent shall consider the same and pass appropriate orders in accordance with law.

Accordingly, the impugned order dated 08-09-2003 is set aside and the writ petition is disposed of granting liberty to the petitioner to submit his explanation to the show cause notice dated 24-04-2002 within a period of four weeks from the date of receipt of a copy of this order. If any such explanation is submitted within the time specified above, the respondent shall consider the same and pass appropriate orders in accordance with law. No costs.

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G.ROHINI,J

19-10-2005

klp/ghn